

Article 15. Incinerators**§66265.340. Applicability.**

(a) The regulations in this article apply to owners or operators of facilities that incinerate hazardous waste, except as section 66264.1 provides otherwise. The following facility owners or operators are considered to incinerate hazardous waste:

- (1) owners or operators of hazardous waste incinerators (as defined in section 66260.10).
- (b) Owners and operators of incinerators burning hazardous waste are exempt from all of the requirements of this article except section 66265.351 (Closure), provided that the owner or operator has documented, in writing, that the waste would not reasonably be expected to contain any of the hazardous constituents listed in, Appendix VIII to chapter 11 of this division, and such documentation is retained at the facility, if the waste to be burned is:
 - (1) listed as a hazardous waste in article 4 of chapter 11 of this division solely because it is ignitable (Hazard Code I), corrosive (Hazard Code C), or both; or
 - (2) listed as a hazardous waste in article 4 of chapter 11 of this division solely because it is reactive (Hazard Code R) for characteristics other than those listed in section 66261.23(a)(4) and (a)(5), and will not be burned when other hazardous wastes are present in the combustion zone; or
 - (3) a hazardous waste solely because it possesses the characteristic of ignitability, corrosivity, or both, as determined by the tests for characteristics of hazardous wastes; or
 - (4) a hazardous waste solely because it possesses the reactivity characteristics described by section 66261.23(a)(1), (a)(2), (a)(3), (a)(6), (a)(7), (a)(8), and will not be burned when other hazardous wastes are present in the combustion zone.

NOTE: Authority cited: Sections 25150, 25159, 25159.5, 25245, 58004 and 58012, Health and Safety Code.
Reference: Sections 25159.5 and 25200, Health and Safety Code; 40 CFR Section 265.340.

HISTORY

- 1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).
- 2. Amendment of subsection (a)(1), repealer of subsection (a)(2), and amendment of NOTE filed 7-1-96; operative 7-31-96 (Register 96, No. 27).

§66265.341. Waste Analysis.

(a) In addition to the waste analyses required by section 66265.13, the owner or operator shall sufficiently analyze any waste which that owner or operator has not previously burned in that owner or operator's incinerator to enable him that owner or operator to establish steady state (normal) operating conditions (including waste and auxiliary fuel feed and air flow) and to determine the type of pollutants which might be emitted. At a minimum, the analysis shall determine:

- (1) heating value of the waste;
- (2) halogen content and sulfur content in the waste; and
- (3) concentrations in the waste of lead and mercury, unless the owner or operator has written, documented data that show that the element is not present.

(b) As required by section 66265.73, the owner or operator must place the results from each waste analysis, or the documented information, in the operating record of the facility.

NOTE: Authority cited: Sections 208 and 25159, Health and Safety Code. Reference cited: Sections 25159.5 and 25200, Health and Safety Code; 40 CFR Section 265.341.

HISTORY

- 1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.347. Monitoring and Inspections.

(a) The owner or operator shall conduct, as a minimum, the following monitoring and inspections when incinerating hazardous waste.

(1) Existing instruments which relate to combustion and emission control shall be monitored at least every 15 minutes. Appropriate corrections to maintain steady state combustion conditions shall be made immediately either automatically or by the operator. Instruments which relate to combustion and emission control would normally include those measuring waste feed, auxiliary fuel feed, air flow, incinerator temperature, scrubber flow, scrubber pH, and relevant level controls.

(2) The complete incinerator and associated equipment (pumps, valves, conveyors, pipes, etc.) shall be inspected at least daily for leaks, spills, and fugitive emissions, and all emergency shutdown controls and system alarms must be checked to assure proper operation.

NOTE: Authority cited: Sections 208 and 25159, Health and Safety Code. Reference: Sections 25159.5 and 25200, Health and Safety Code; 40 CFR Section 265.347.

HISTORY

- 1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.351. Closure.

(a) At closure, the owner or operator shall remove all hazardous waste and hazardous waste residues

(including but not limited to ash, scrubber waters, and scrubber sludges) from the incinerator site.

(b) At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with section 66261.3(d) of this division, that the residue removed from that owner or operator's incinerator is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of this division.

NOTE: Authority cited: Sections 208 and 25159, Health and Safety Code. Reference cited: Sections 25159.5 and 25200, Health and Safety Code; 40 CFR Section 264.351.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).

§66265.352. Interim Status Incinerators Burning Particular Hazardous Wastes.

(a) Owners or operators of incinerators subject to this article may burn EPA Hazardous Wastes F020, F021, F022, F023, F026, or F027 if they receive a certification from the USEPA Assistant Administrator for Solid Waste and Emergency Response that they can meet the performance standards of article 15 of chapter 14 of this division when they burn these wastes.

(b) The following standards and procedures will be used in determining whether to certify an incinerator.

(1) The owner or operator will submit an application to the USEPA Assistant Administrator for Solid Waste and Emergency Response containing applicable information in sections 66270.19 and 66270.62 demonstrating that the incinerator can meet the performance standards in article 15 of chapter 14 of this division when they burn these wastes.

(2) The USEPA Assistant Administrator for Solid Waste and Emergency Response will issue a tentative decision as to whether the incinerator can meet the performance standards in article 15 of chapter 14 of this division. Notification of this tentative decision will be provided by newspaper advertisement and radio broadcast in the jurisdiction where the incinerator is located. The USEPA Assistant Administrator for Solid Waste and Emergency Response will accept comment on the tentative decision for 60 days. The USEPA Assistant Administrator for Solid Waste and Emergency Response also may hold a public hearing upon request or at the Assistant Administrator's discretion.

(3) After the close of the public comment period, the USEPA Assistant Administrator for Solid Waste and Emergency Response will issue a decision whether or not to certify the incinerator.

NOTE: Authority cited: Sections 208 and 25159, Health and Safety Code. Reference: Sections 25159.5 and 25200, Health and Safety Code; 40 CFR Section 265.352.

HISTORY

1. New section filed 5-24-91; operative 7-1-91 (Register 91, No. 22).